IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4987 OF 2004

Prabhakar Sonawane & Anr. .. Petitioners

Versus

The Collector of Mumbai

(M.S.D.) and Anr. .. Respondents.

Mrs.V.B.Thadani with Mr.Vishal Thadani for petitioners

Mr.P.I.Khemani, A.G.P. for respondents.

CORAM : A.M.KHANWILKAR, J.

DATE : AUGUST 27, 2004.

P.C.

1. Heard the learned Counsel appearing for parties. Rule. Rule made returnable forthwith

by consent. Mr.Khemani, A.G.P. waives service of notice for respondents. As a short question is involved, petition is taken up for final disposal forthwith by consent.

2. It is fairly accepted by Mr.Khemani, learned Counsel for respondents that the issue raised in this petition is squarely covered by the decision in the case of Sylvia Leo Carvalho Vs. The Collector of Mumbai, reported in 2000 (2) ALL M.R.4, which has taken the view that Rule 5 of the Bombay Prohibition (Privilege Fee) Rules 1954 is inapplicable to transposition of name of legal representatives or heirs of the deceased licensee and no fees can be demanded for that purpose from the heirs of the deceased licensee. That decision has been consistently followed in several matters, copies whereof are appended to this petition. Even the respondents in the reply affidavit filed to this petition have fairly conceded to this position. In this view of the

matter, this petition ought to succeed with a direction to the authorities not to charge towards privilege fee from the petitioner, if demand made so by the authorities, being set aside as being illegitimate. Rule is made absolute in the above terms with no orders as to costs. All concerned to act on an authenticated copy of this order.

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